

(2) Except as provided in paragraph (m)(3) of this section, the Assistant Secretary shall not approve a request for an inter-agency transfer of personally identifiable employee medical information, which has not been consented to by the affected employees, unless the request is by a public health agency which:

(i) Needs the requested information in a personally identifiable form for a substantial public health purpose,

(ii) Will not use the requested information to make individual determinations concerning affected employees which could be to their detriment,

(iii) Has regulations or established written procedures providing protection for personally identifiable medical information substantially equivalent to that of this section, and

(iv) Satisfies an exemption to the Privacy Act to the extent that the Privacy Act applies to the requested information (*See*, 5 U.S.C. 552a(b); 29 CFR 70a.3).

(3) Upon the approval of the Assistant Secretary, personally identifiable employee medical information may be transferred to:

(i) The National Institute for Occupational Safety and Health (NIOSH) and

(ii) The Department of Justice when necessary with respect to a specific action under the Occupational Safety and Health Act.

(4) The Assistant Secretary shall not approve a request for public disclosure of employee medical information containing direct personal identifiers unless there are compelling circumstances affecting the health or safety of an individual.

(5) The Assistant Secretary shall not approve a request for public disclosure of employee medical information which contains information which could reasonably be used indirectly to identify specific employees when the disclosure would constitute a clearly unwarranted invasion of personal privacy (*See*, 5 U.S.C. 552(b)(6); 29 CFR 70.26).

(6) Except as to inter-agency transfers to NIOSH or the Department of Justice, the OSHA Medical Records Officer shall assure that advance notice is provided to any collective bargaining agent representing affected employees and to the employer on each

occasion that OSHA intends to either transfer personally identifiable employee medical information to another agency or disclose it to a member of the public other than to an affected employee. When feasible, the OSHA Medical Records Officer shall take reasonable steps to assure that advance notice is provided to affected employees when the employee medical information to be transferred or disclosed contains direct personal identifiers.

[45 FR 35294, May 23, 1980; 45 FR 54334, Aug. 15, 1980, as amended at 71 FR 16674, Apr. 3, 2006]

## **PART 1915—OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR SHIPYARD EMPLOYMENT**

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AUTHORITY: Section 41, Longshore and Harbor Workers' Compensation Act (33 U.S.C. 941); sections 4, 6, 8, Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033), 6-96 (62 FR 111), 3-2000 (65 FR 50017) or 5-2002 (67 FR 65008), as applicable.

Sections 1915.120, 1915.152 and 1915.1026 also issued under 29 CFR part 1911.

Section 1915.1001 also issued under 5 U.S.C. 553. 1915.1000 Air contaminants.

SOURCE: 47 FR 16986, Apr. 20, 1982, unless otherwise noted.

### Subpart A—General Provisions

#### § 1915.1 Purpose and authority.

The provisions in this part constitute safety and health regulations issued by the Secretary pursuant to section 41 of the Longshoremen's and Harbor Work-

ers' Compensation Act, as amended (33 U.S.C. 941) and occupational safety and health standards issued by the Secretary pursuant to section 6 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 655).

#### § 1915.2 Scope and application.

(a) Except where otherwise provided, the provisions of this part shall apply to all ship repairing, shipbuilding and shipbreaking employments and related employments.

(b) This part does not apply to matters under the control of the United States Coast Guard within the scope of Title 52 of the Revised Statutes and acts supplementary or amendatory thereto (46 U.S.C. secs. 1-1388 passim) including, but not restricted to, the master, ship's officer, crew members, design, construction and maintenance of the vessel, its gear and equipment; to matters within the regulatory authority of the United States Coast Guard to safeguard vessels, harbors, ports and waterfront facilities under the provisions of the Espionage Act of June 17, 1917, as amended (50 U.S.C. 191 et seq.; 22 U.S.C. 401 et seq.); including the provisions of Executive Order 10173, as amended by Executive Orders 10277 and 10352 (3 CFR, 1949-1953 Comp., pp. 356, 778 and 873); or to matters within the regulatory authority of the United States Coast Guard with respect to lights, warning devices, safety equipment and other matters relating to the promotion of safety of lives and property under section 4(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1333).

#### § 1915.3 Responsibility.

(a) The responsibility for compliance with the regulations of this part is placed upon "employers" as defined in § 1915.4.

(b) This part does not apply to owners, operators, agents or masters of vessels unless such persons are acting as "employers." However, this part is not intended to relieve owners, operators, agents or masters of vessels who are not "employers" from responsibilities or duties now placed upon them by law, regulation or custom.

(c) The responsibilities placed upon the competent person herein shall be